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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,903	15,903 11/18/2003		Ann-Margret Andersson	VTN 5001NP	5668
27777	7590	12/19/2005		EXAMINER	
PHILIP S.	JOHNS	N	HU, HENRY S		
	JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA				PAPER NUMBER
		NJ 08933-7003	1713		
				DATE MAILED: 12/19/200	95

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
	10/715,903	ANDERSSON ET AL.					
Office Action Summary	Examiner	Art Unit					
	Henry S. Hu	1713					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1)⊠ Responsive to communication(s) filed on IDS of	of December 5 2005						
·= · · · · · · · · · · · · · · · · · ·	action is non-final.						
3) Since this application is in condition for allowan		secution as to the merits is					
closed in accordance with the practice under E	•						
·	Aparto quayro, 1000 C.D. 11, 10						
Disposition of Claims							
4)⊠ Claim(s) <u>1-44</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdraw	4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.							
6) Claim(s) is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) <u>1-44</u> are subject to restriction and/or e	lection requirement.						
Application Papers							
9) The specification is objected to by the Examiner.							
10) ☐ The drawing(s) filed on 18 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.							
Applicant may not request that any objection to the o	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction	on is required if the drawing(s) is obj	ected to. See 37 CFR 1.121(d).					
11) ☐ The oath or declaration is objected to by the Exa	aminer. Note the attached Office	Action or form PTO-152.					
Priority under 35 U.S.C. § 119	•	•					
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. & 110(a)	(d) or (f)					
a) ☐ All b) ☐ Some * c) ☐ None of:	priority under 35 0.5.C. § 119(a)	-(d) or (i).					
1. ☐ Certified copies of the priority documents	have been received						
2. Certified copies of the priority documents		on No					
3. Copies of the certified copies of the priority							
application from the International Bureau	•	d in this National Stage					
* See the attached detailed Office action for a list of		d					
oce the attached detailed office action for a list of	of the certified copies hot received	u.					
Attachment(s)	<u></u>						
Notice of References Cited (PTO-892)	4) Interview Summary (
2)	Paper No(s)/Mail Da 5) Notice of Informal Pa	te atent Application (PTO-152)					
Paper No(s)/Mail Date	6) 🔲 Other:	•					
Patent and Trademark Office							

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DETAILED ACTION

1. It is noted that USPTO has received two IDS' filed on December 5, 2005 (two pages) and February 7, 2005 (8 pages) as well as Oath & Declaration filed on April 19, 2004. The examiner accepts Applicants' newly amended drawing in 18 sheets with 21 figures (Figures 1-21). Claims 1-44 with a total of <u>nine</u> independent claims (Claims 1, 22, 26, 28, 29, 33, 36, 37 and 39) are now pending. An action follows.

Election/Restrictions

- 2. Restriction to one of the following inventions is required under 35 U.S.C. 121. It is noted that all the nine independent claims are marked with an underline.
- I. Claims 1-21, 28, 40, 41 and 43, drawn to an antimicrobial ophthalmic lens comprising a metal salt and having a percent haze of less than about 200%.
- Claims 22-25, drawn to an antimicrobial lens comprising a metal complex wherein the molar solubility of the metal ions in pure water at about 25 $^{\circ}$ C is greater than or equal to about 2.00 x 10⁻³⁰ moles/L.

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III. Claims <u>26-27</u>, drawn to a method of reducing the adverse events associated with microbial colonization on a lens placed in the ocular regions of a mammal comprising, placing an antimicrobial lens comprising a metal salt on the eye of a mammal.

- IV. Claims 29-32 and 44, drawn to a method of preparing an antimicrobial lens comprising a metal salt, wherein the method comprises, the steps of (a) mixing a salt precursor with a lens formulation; (b) forming the lens with the product of step (a); and (c) treating the lens with a metal agent.
- V. Claims 33-35 and 44, drawn to a method of preparing an antimicrobial lens comprising a metal salt, wherein the method comprises the steps of (a) mixing a metal precursor with an lens formulation; (b) forming the lens; and (c) treating the lens with an anion precursor.
- VI. Claims 36, 42 and 44, drawn to a method of preparing an antimicrobial lens comprising a metal salt, wherein the method comprises the steps of (a) treating a cured lens with a salt precursor; (b) treating the lens of step (a) with a metal agent under conditions to produce an antimicrobial lens having less than about 200% haze.
- VII. Claims <u>37</u>-38 and 44, drawn to a method of preparing an antimicrobial lens comprising a metal salt, wherein the method comprises the steps of (b) treating cured lens of with a metal agent. (b) treating the lens of step (a) with a salt precursor.

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VIII. Claims 39 and 44, drawn to a method of preparing an antimicrobial lens comprising a metal salt, wherein the method comprises the steps of (a) mixing a metal with a lens formulation; (b) forming the lens; (c) treating the lens of step (b) with an oxidizing agent; and (d) treating the lens of step (c) with an anion precursor.

3. The inventions are distinct, each from the others because of the following reasons:

Inventions I-VIII is unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In a very close examination, each group may comprise the salt in the form of regular metal salt, metal complex or its precursor as well as may be in different solubility and/or the lens may be prepared in various steps or sequences. They are in different combination and may be prepared through different process and/or on different form of salt. Inventions III-VIII are related to process of making, each group carries different specific components in different sequence and may be with additional step; the process of making is unique and thereby not interchangeable.

4. Although each of all inventions may contain some of fundamental metal salt components or precursors, they are actually related to "eight" different subject matters due to the presence or absence of other process steps or additive components. Therefore the scope of the claims, i.e., the metes and boundaries are distinct.

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5. Because these inventions are distinct for the reasons given above and the search required for each group is not required for other groups have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

- 6. It is noted that no phone call was made to **Karen A. Hardy (tel: 909 443-3074)** by the examiner due to the complexity on multiple (<u>nine</u>) independent claims. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Dr. Henry S. Hu whose telephone number is** (571) 272-1103. The examiner can be reached on Monday through Friday from 9:00 AM -5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on (571) 272-1114. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300 for all regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Henry S. Hu

Patent Examiner, Art Unit 1713, USPTO

December 12, 2005

LING-SUI CHOI PRIMARY EXAMINER